

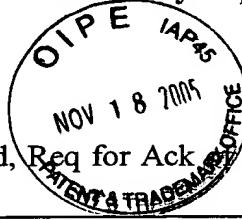
PTO RECEIPT FOR FILING OF PAPERS

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► Hand Carry to Office of Publications with Courtesy Copy to Examiner H. Tran, Group Art Unit 2861

The following papers have been filed:

Req for 2nd Corr NOA, Corr of Record, Req for Ack Dis Info w/date-stamped rec. and 1449 (2 pgs.)



Name of Applicant: Shigeyuki HAYASHI

Serial No.: 09/820,704

Atty. File No.: 108962

Title (New Cases):

Sender's Initials: RAM:kap

P. 98
29

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PATENT APPLICATION

**FILING UNDER 37 CFR §1.312
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 2861**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

ATTN: OFFICE OF PUBLICATIONS

Shigeyuki HAYASHI

Notice of Allowance Mailed
10/09/2003 - Batch/Confirmation No. 4483

Application No.: 09/820,704

Group Art Unit: 2861

Filed: March 30, 2001

Examiner: H. Tran

Docket No.: 108962

For: INK SHEET CARTRIDGE AND EXCHANGEABLE INK-SHEET SET
MOUNTED ON THE INK SHEET CARTRIDGE

REQUEST FOR SECOND CORRECTED NOTICE OF ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A second corrected Notice of Allowance and Fees Due is respectfully requested that sets the date due to three months from the mailing date of the second Corrected Notice. The Corrected Notice of Allowance and Fee(s) Due mailed October 9, 2003, is not in compliance with the Decision on Petition mailed September 16, 2003.

As background, Applicant's representative received a Notice of Abandonment mailed July 1, 2003 for the above-identified Application. The stated reason for abandonment was

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non-payment of the Issue Fee. Upon receipt, Applicant's representatives filed a Petition to Withdraw Holding of Abandonment-Office Action (Notice of Allowance) Not Received on July 11, 2003. On September 16, 2003 the Petition was granted by Decision on Petition based upon an August 6, 2003 facsimile resubmission of the originally filed papers.

Corrected Notice of Allowance and Fee(s) Due was mailed on October 9, 2003. The Corrected Notice of Allowance indicated that there was a date due of April 28, 2003 and included a statement that the Issue Fee and any Publication Fee must be filed within the three month period beginning on the mailing date of the previously-mailed Notice of Allowance and ending on the due date shown on this form, or this application would be regarded as abandoned.

The only previously mailed Notice of Allowance apparently is the January 28, 2003 Notice, which was not received by Applicant's representative. Thus, the Corrected Notice has no effect and the application remains abandoned.

On October 22, 2003, Applicant's undersigned representative contacted Ms. Moore, of the Office of Publications to determine what action needed to be taken and by what date the Issue Fee was due. Ms. Moore indicated that there was a Notice of Allowance dated October 6, 2003, that apparently had never been mailed to Applicant's representative. She indicated that the date of that Notice of Allowance was October 6, 2003 and that the Notice of Allowance mailed October 9, 2003 corrected the October 6 mailed Notice. Therefore, according to the Office of Publications, to be safe, the Issue Fee is due on January 6, 2004. Ms. Moore also indicated that the undersigned should contact the Examiner and have him review the file to obtain a mailing of the October 6, 2003 generated Notice of Allowance. Applicant's undersigned representative then contacted both Examiner Dees, the Special

Program Examiner who prepared the Decision on Petition mailed September 16, 2003, and the Examiner for the Application. The Examiner for the application, Examiner Tran, indicated that he would obtain the file and attempt to clarify the situation. Special Program Examiner Dees reviewed the October 9, 2003 Notice of Allowance and stated the Data Due is incorrect and not in conformance with his Decision, that it should be three months subsequent to the mailing date or January 9, 2004. Examiner Dees indicated that he would look into the matter.

Unless the U.S. Patent and Trademark Office indicates otherwise, it is Applicant's understanding that the Decision on Petition mailed September 16, 2003 effectively withdrew the abandonment of the above-identified application for non-payment of the Issue Fee, and that the Notice of Allowance mailed October 9, 2003 should have set a period for response to expire three months from the date the Notice was re-mailed in accordance with the Decision on Petition. Thus, the Date Due should be January 9, 2004. However, in light of the comments by the Office of Publications, Applicant has docketed payment of the fee to be no later than January 6, 2004 on the basis that there is an un-mailed Notice of Allowance contained within the Patent Office files that should have been mailed on October 6, 2003.

Therefore, it is respectfully requested that the U.S. Patent and Trademark Office mail a second Corrected Notice of Allowance and Fee(s) Due to Applicant's representatives that correctly indicates the due date as either January 6 or January 9, 2004 and removes the paragraphs concerning when the Fee may be paid so that it is in compliance with the Decision on Petition, as granted September 16, 2003.

Should the U.S. Patent and Trademark Office have any questions on the foregoing, their representatives are respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Robert A. Miller
Registration No. 32,771

RAM:kap

Date: October 24, 2003

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
